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STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF DENTISTRY

IN THE MATTER OF THE	:	
SUSPENSION OR REVOCATION	:	
OF THE LICENSE OF	:	ADMINISTRATIVE ACTION
	:	
<b>LARRY BERMAN, D.D.S</b>	:	<b>CONSENT ORDER</b>
<b>License No. 22DI01334700</b>	:	
	:	
	:	
TO PRACTICE DENTISTRY IN THE	:	
STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Dentistry (hereinafter, the "Board") upon receipt of information that Larry Berman, D.D.S. ("Respondent"), as a result of his own actions and/or as an affiliate of New Jersey Mobile Dentists, P.A., was arrested in July 2009 and charged with one count of Medicaid claim fraud, a crime of the third degree pursuant to N.J.S.A. 30:4D-17(a).

On August 24, 2010, Respondent pled guilty to the criminal charge against him. Specifically, Respondent admitted that between January 1, 2006 and March 10, 2009 he willfully received payments from Medicaid for certain dental services and procedures that were either not provided or medically unnecessary.

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On April 17, 2012, in connection with the criminal charge against him and pursuant to his guilty plea, Respondent was sentenced to five years non-custodial probation, ordered to pay civil penalties, fines and restitution in the total amount of \$169,319.00, and debarred from participation in Medicaid or any other federal or state funded health insurance or prescription assistance program for a term of five years (debarment effective August 24, 2010).

Having reviewed the case record, the Board finds that Respondent's conduct constitutes the use or employment of dishonesty, deception, misrepresentation or false pretense pursuant to N.J.S.A. 45:1-21(b); professional misconduct pursuant to N.J.S.A. 45:1-21(e); the engagement in acts constituting moral turpitude or conduct relating adversely to activity regulated by the Board, pursuant to N.J.S.A. 45:1-21(f); and demonstrates a failure to be of good moral character as required in N.J.S.A. 45:6-3.

The Board, finding the within Order to be adequately protective of the public interest, and for other good cause shown;

IT IS, therefore on this 25<sup>th</sup> day of JANUARY, 2012;

**ORDERED** that:

1. Respondent's license to practice dentistry in New Jersey shall be suspended for one (1) year, with three (3) months to be served as an active suspension. In the event Respondent engages in the practice of dentistry in any other jurisdiction during the period of active suspension, the suspension period imposed herein shall be deemed tolled for the time period Respondent practiced

elsewhere. The active term of suspension shall commence thirty (30) days from the date this order is entered by the Board.

2. Respondent shall, if applicable, surrender to the respective agencies his federal Drug Enforcement Administration registration and his State Controlled Drug registration for the duration of the period of his active suspension. Respondent shall make prompt arrangements with said agencies for the lawful disposal of all controlled dangerous substances in his possession or under his control, and shall arrange for the lawful disposition of all other medications in his control.

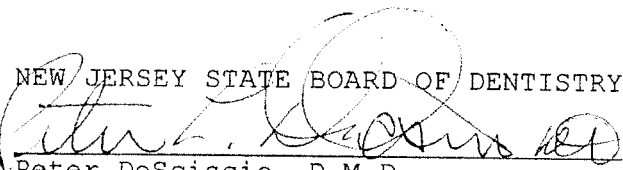
3. Prior to returning to active practice, Respondent shall appear before the Board (or a committee thereof) and provide such information as the Board deems necessary and appropriate to allow a full and accurate assessment of his compliance with the terms of this Consent Order.

4. For a period of at least two (2) years following his return to active practice, at his cost and expense, Respondent shall arrange for any and all patient billing to be completed through a billing monitor, approved in advance by the Board. The billing monitor shall provide quarterly reports to the Board detailing the services provided, amounts billed on Respondent's behalf and all activities (including but not limited to the review of patient records and/or random audits) in which the monitor has engaged to verify the legitimacy of Respondent's billing.

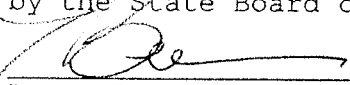
5. Entry of this Order shall not limit the authority of the Attorney General of New Jersey or any other person or agency to initiate any further action permitted by law, whether administrative, civil or criminal, in any court or other forum of competent jurisdiction in connection with any matters relating to Respondent's conduct.

6. Respondent expressly agrees to cooperate with the Board in any investigation related to New Jersey Mobile Dental or any other Board licensee.

7. Respondent shall comply with the "Directives" attached hereto as Exhibit 1 which are incorporated herein by reference.

NEW JERSEY STATE BOARD OF DENTISTRY  
By:   
Peter DeSciscio, D.M.D.  
Board President

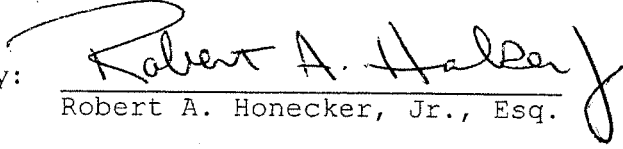
I have read the within Consent Order.  
I understand and agree to be bound by its terms.  
I consent to the entry of this Order  
by the State Board of Dentistry.

  
Larry Berman, D.D.S.  
Dated: 12/29/12

Consented to as to form:

Ansell Grimm & Aaron, P.C.  
Attorney for Dr. Berman

By:

  
Robert A. Honecker, Jr., Esq.

**DIRECTIVES APPLICABLE TO ANY DENTISTRY BOARD LICENSEE  
WHO IS SUSPENDED, REVOKED OR WHOSE SURRENDER OF LICENSURE  
HAS BEEN ACCEPTED**

A practitioner whose license is suspended or revoked or whose surrender of license has been accepted by the Board, shall conduct him/herself as follows:

**1. Document Return and Agency Notification**

The licensee shall promptly deliver to the Board office at 124 Halsey Street, 6th floor, Newark, New Jersey 07102, the original license and current biennial registration certificate, and if authorized to prescribe drugs, the current State and Federal Controlled Dangerous Substances Registration. With respect to suspensions of a finite term, at the conclusion of the term, the licensee may contact the Board office for the return of the documents previously surrendered to the Board.

**2. Practice Cessation**

The licensee shall cease and desist from engaging in the practice of dentistry in this State. This prohibition not only bars a licensee from rendering professional services, but also from providing an opinion as to professional practice or its application, or representing him/herself as being eligible to practice. Although the licensee need not affirmatively advise patients or others of the revocation, suspension or surrender, the licensee must truthfully disclose his/her licensure status in response to inquiry. The disciplined licensee is also prohibited from occupying, sharing or using office space in which another licensee of this Board provides health care services. Unless otherwise ordered by the Board, the disciplined licensee may contract for, accept payment from another licensee for or rent at fair market value office premises and/or equipment. In no case may the disciplined licensee authorize, allow or condone the use of his/her provider number by the practice or any other licensee or health care provider. In situations where the licensee has been suspended for less than one year, the licensee may accept payment from another professional who is using his/her office during the period that the licensee is suspended, for the payment of salaries for office staff employed at the time of the Board action.

A licensee whose license has been revoked, suspended for one (1) year or more or permanently surrendered must remove signs and take affirmative action to stop advertisements by which his/her eligibility to practice is represented. The licensee must also take steps to remove his/her name from all prescription blanks and pads, professional listings, telephone directories, professional stationery, or billings. If the licensee's name

is utilized in a group practice title, it shall be deleted.

Prescription pads bearing the licensee's name shall be destroyed. A destruction report form shall be obtained from the Office of Drug Control (973-504-6558) and filed with that office. If no other licensee is providing services at the practice location, all medications must be removed and returned to the manufacturer (if possible), or destroyed or safeguarded. In situations where the licensee has been suspended for a period of less than one year, prescription pads and medications must be secured in a locked place for safekeeping.

### **3. Practice Income Prohibitions/Divestiture of Equity Interest in Professional Service Corporations**

A licensee shall not charge, receive or share in any fee for professional services rendered by him/herself or others while barred from engaging in the professional practice. The licensee may be compensated for the reasonable value of services lawfully rendered and disbursements incurred on a patient's behalf prior to the effective date of the Board action.

A licensee whose license is revoked, surrendered or suspended for a term of one (1) year or more shall be deemed to be disqualified from the practice, and shall be required to comply with the requirements to divest him/herself of all financial interest in the professional practice pursuant to Board regulations contained in N.J.A.C. 13:30-8.21. Such divestiture shall occur within 90 days following the entry of the Board Order. Upon divestiture, a licensee shall forward to the Board a copy of documentation forwarded to the New Jersey Department of Treasury, Commercial Reporting Division, demonstrating that the interest has been terminated. If the licensee is the sole shareholder in a professional service corporation, the corporation must be dissolved within 90 days of the licensee's disqualification.

### **4. Patient Records**

If, as a result of the Board's action, a practice is closed or transferred to another location, the licensee shall ensure that during the three (3) month period following the effective date of the disciplinary order, a message will be delivered to patients calling the former office premises, advising where records may be obtained. The message should inform patients of the names and telephone numbers of the licensee (or his/her attorney) assuming custody of the records. The same information shall also be disseminated by means of a notice to be published at least once per month for three (3) months in a newspaper of general circulation in the geographic vicinity in which the practice was conducted. At the end of the three month period, the licensee shall file with the Board the name and telephone number of the contact person who will have access to patient records of former patients. Any change in that individual or his/her telephone number shall be promptly reported to the Board. When a patient or his/her representative requests a copy of his/her patient record or asks that the record be forwarded to another health care provider, the licensee shall promptly provide the record without charge to the patient.

## **5. Probation/Monitoring Conditions**

A disciplined practitioner whose active suspension of license has been stayed in full or in part, conditioned upon compliance with a probation or monitoring program, shall fully cooperate with the Board or its designated representatives, including the Enforcement Bureau of the Division of Consumer Affairs, in ongoing monitoring of the licensee's status and practice. Such monitoring shall be at the expense of the disciplined practitioner.

(a.) Monitoring of practice conditions may include, but is not limited to, inspection of professional premises and equipment, and inspection and copying of patient records (confidentiality of patient identity shall be protected by the Board) to verify compliance with Board Order and accepted standards of practice.

(b.) Monitoring of status conditions for an impaired practitioner may include, but is not limited to, practitioner cooperation in providing releases permitting unrestricted access to records and other information to the extent permitted by law from any treatment facility, other treating practitioner, support group or other individual or facility involved in the education, treatment, monitoring or oversight of the practitioner, or maintained by the rehabilitation program for impaired practitioners. If bodily substance monitoring has been ordered, the practitioner shall fully cooperate by responding to a demand for breath, blood, urine or other sample in a timely manner and by providing the designated sample.

## **6. Reports of Reimbursement**

A disciplined practitioner shall promptly report to the Board his/her compliance with each directive requiring monies to be reimbursed to patients to other parties or third party payors or to any Court.

## **7. Report of Changes of Address**

A disciplined practitioner shall notify the Board office in writing within ten (10) days of change of address.